
COMMONWEALTH OF VIRGINIA



OFFICE OF THE GOVERNOR Executive Order 88 (2001)

AUTHORITY AND RESPONSIBILITY OF THE GOVERNOR'S SECRETARIES AND OTHER SENIOR EXECUTIVE BRANCH OFFICIALS

By virtue of the authority vested in me by Section 2.2-104, 2.2-200, 2.2-203, 2.2-204, 2.2-208, 2.2-211, 2.2-212, 2.2-215, 2.2-221, 2.2-225, and 2.2-228 of the Code of Virginia, I hereby affirm and delegate to the individuals holding appointments in the positions named herein the powers and duties set out below, in accordance with the following conditions:

1. The delegations stated herein are subject always to my continuing and ultimate authority and responsibility to act in such matters and to reserve powers.
2. The standing delegations stated herein are subject to all other orders and directives of the Governor that require actions to be taken by, or that otherwise delegate authority and responsibility to, Executive Branch officials and employees.
3. All major policy decisions and actions shall be reviewed by the Governor's Policy Office and shall be approved by the Director of Policy and by the Governor. Thereafter, each Secretary shall provide policy guidance to those persons under the Secretary's supervision who are authorized to take such actions set forth in this Executive Order, and shall be advised by such persons of any proposed actions that may be in conflict with such guidance.
4. In the event conflicts arise among agencies within a Secretarial area concerning any action authorized by this Executive Order, that Secretary is hereby authorized to resolve them. Should conflicts arise among agencies in more than one Secretarial area concerning any action authorized by this Executive Order, the matter shall be resolved by the Governor, or by the Chief of Staff acting in the Governor's behalf.
5. All reports and recommendations that by law are required from any entity to be presented to the Governor shall first be given to the Secretary to whom supervision over the entity had been assigned. Except as specifically delegated, however, the Governor retains the responsibility for the submission of reports and recommendations to the General Assembly.
6. All authority given to the Governor pertaining to emergencies, military affairs, appointments, and membership in all organizations shall be retained by the Governor unless explicitly delegated by Executive Order.
7. In the event that the Secretary to whom powers and duties have been delegated herein is not available, I hereby affirm and delegate to the Chief of Staff such powers and duties during the Secretary's absence as may be required to carry out the functions delegated to that Secretary. In the event the Chief of Staff will be unavailable, and during his absence, the Chief of Staff may delegate any of the powers and duties conferred upon him under this Executive Order to one or more of the Governor's Secretaries whom he shall designate in writing.

Part 1: Supervision of Agencies by the Governor's Secretaries and Related Duties

A. Agencies are assigned to the Secretaries as defined in Title 2.2, Chapter 2 of the Code of Virginia. Each Secretary shall have authority and responsibility to:

1. Direct the development of goals, objectives, policies, and plans that are necessary to the effective and efficient operation of government.
2. Make recommendations to the Governor's Policy Office and the Governor regarding major policy issues, delegations of authority, and other matters affecting the development and implementation of policy positions and objectives on behalf of the Governor.
3. Hold agency heads accountable for their administrative, fiscal, and program actions in the conduct of the respective powers and duties of the agencies.
4. Resolve administrative, jurisdictional, operational, programmatic, or policy conflicts between agencies or officials.
5. Coordinate communications with the federal government and the governments of the other states, subject to guidelines established under the Governor's direction, in matters related to agency program and activities.
6. Receive first all reports that by law are required from any assigned agency to be presented to the Governor. Except as specifically delegated, however, the Governor retains responsibility for the submission of reports to the General Assembly.
7. Receive all recommendations required of assigned agencies by statute to be made to the Governor and convey them to the Governor.

B. Each Secretary shall direct the formulation of a comprehensive program budget, as identified in § 2.2-1508 of the Code of Virginia, recommending to the Governor through the Department of Planning and Budget for those agencies assigned to the Secretary.

C. Each Secretary is authorized to employ such personnel and to contract for such consulting services as may be required to perform the powers and duties conferred upon the Secretary by statute or executive order, subject to the funds available for the operation of the office, state law and regulation, and such other orders and directives as may be issued under the authority of the Governor.

Part 2: Delegation of Authority to Officials Within the Secretariat of Administration

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:

Authorizing Subject Matter of
Section Authority Delegated

A. To the Secretary of Administration:

2.2-103B Oversee and monitor establishment and maintenance of classification plan and administration of compensation plan.

2.2-125A Accept property known as The White House of the Confederacy, any buildings of the Confederate Memorial Literary Society, and the Lee House.

- 2.2-1138A, C Approve preparation and amendment of long-range site plan for location of state buildings in the Richmond area, acquisition of land to effect plan, and execution of projects.
- 2.2-1138B Exempt certain projects from provisions of §2.2-1138A.
- 2.2-1149 Approve acquisition of real property by state agencies.
- 2.2-1150 Approve conveyance and transfer of real property by state agencies.
- 2.2-1150D, 1151 Approve conveyance of easements and appurtenances thereto to utility companies, public service companies, cable television companies, and political subdivisions by state agencies. Approve leases to a credit union for space in a state-owned office building after written approval by the Attorney General as to the form of the written lease agreements.
- 2.2-1152 Approve conveyance of land to Department of Transportation by state agencies.
- 2.2-1153 Authorize transfer of surplus state-owned property to Department of General Services.
- 2.2-1155 Approve temporary transfer of real property between state agencies or temporary leases to private entities under stated conditions.
- 2.2-1156 Approve sale or lease of surplus property by the Department of General Services.
- 2.2-1157 Determine if mineral exploration, leasing, or extraction is in public interest. Approve execution of leases or contracts.
- 2.2-1204 Establish and approve health insurance plan for employees of local governments, local officers, teachers and retirees, and their dependents to be administered by Department of Human Resource Management.
- 2.2-2221 Authorize percentage of net royalties to be shared with developers of patented, copyrighted, patentable, or copyrightable property.
- 2.2-2263 Approve leases proposed by Virginia Public Building Authority, as lessee or lessor, and sale, transfer, and conveyance of property acquired or constructed by the Virginia Public Building Authority.
- 2.2-2818 Establish and approve health insurance plan for state employees and retired state employees to be administered by Department of Human Resource Management.
- 2.2-2821 Approve workers' compensation insurance program for state employees.
- 2.2-2822 Set policies making patents and copyrights developed by state employees during working hours or within the scope of employment property of the Commonwealth.
- 2.2-4103 Approve withholding of compensation of agency officers or employees until they comply with the Virginia Register Act.
- 2.2-4303C Approve exception to competitive bid for procurement of insurance.
- 4.1-103 Approve purchase or acquisition of title to land or buildings required for alcoholic beverage control purposes. Approve sale or conveyance of same.
- 7.1-20 Approve deeds conveying certain waste and unappropriated lands, plus certain marshlands in Accomack and Northampton counties.

7.1-23 Convey to political subdivisions, title to vacant lands acquired, but no longer used, by the United States.

7.1-25.1 Accept relinquishment of jurisdiction over United States lands in Virginia.

10.1-109 Approve conveyance, leasing, renewal of leases, or transfer of property of the Department of Conservation and Recreation.

10.1-110 Approve granting of easements over properties held or controlled by the state to governmental agencies, political subdivisions, public utilities, and public service companies or authorities.

10.1-111 Approve making and execution of leases, contracts, or deeds for the removal or mining of minerals on Department of Conservation and Recreation property.

10.1-112 Approve contracts and leases for revenue-producing capital projects in state parks.

10.1-114 Approve terms and conditions for leasing of acquired commemorative facilities and historic sites by Director, Department of Conservation and Recreation.

10.1-201 Approve terms and conditions for custody or leasing of property acquired through gift or contribution by Director, Department of Conservation and Recreation.

10.1-645 Approve sale of water storage facilities authorized by §10.1-638(B) to entity eligible for loan under §10.1-638(A).

10.1-1190 Approve major state projects after review of environmental impact statement, in order for State Comptroller to authorize payment of funds from the state treasury.

15.2-2903 Approve schedule for assessment of local mandates.

23-4.1 Approve sale, lease, or conveyance of real property by boards of visitors or trustees of state educational institutions.

23-4.4 Approve transfers by boards of visitors, State Board for Community Colleges, or their designees of interests in intellectual property developed wholly or significantly through use of state general funds under stated conditions.

23-9.1 Approve, at request of State Board of Education, granting of easements on property of institutions under the Board to political subdivisions, cable television companies, public utility, or public service companies.

23-49.21 Approve, at request of Board of Visitors of Old Dominion University, lease, sale, or conveyance of real estate to which it has acquired title.

23-49.32 Approve, at request of Board of Visitors of Christopher Newport University, lease, sale, or conveyance of real estate to which it has acquired title.

23-50.13 Approve, at request of Board of Visitors of Virginia Commonwealth University, sale, lease, or conveyance of real estate, including easements, to which it has acquired title.

23-77.1 Approve, at request of Board of Visitors of University of Virginia, sale, lease, or conveyance of real estate to which it has acquired title.

23-91.33 Approve, at request of Board of Visitors of George Mason University, sale, lease, or conveyance of real estate to which it has acquired title.

23-91.44 Approve, at request of Board of Visitors of Mary Washington College, sale, lease, or conveyance of real

estate to which it has acquired title.

23-164.10 Approve, at the request of Board of Visitors of James Madison University, sale, lease, or conveyance of easements for University property.

23-288 Approve requests from Jamestown-Yorktown Foundation to acquire lands, property, and structures necessary to its purposes, or to lease land owned by the Foundation.

23-298 Approve acquisitions or conveyance of real property by Virginia Frontier Culture Museum Board of Trustees. Approve leases of land by the Trustees.

29.1-105 Approve contracts respecting or leasing any land or buildings held by Board of Game and Inland Fisheries to private persons, corporations, associations, other agencies, public authorities, or political subdivisions.

32.1-122.03 Identify critical issues for State Health Plan.

37.1-12 Approve request of Commissioner of DMHMRSAS to raze buildings under Commissioner's supervision and control.

51.1-702 Authorize the Virginia Retirement System Board to enter into federal-state agreement regarding Social Security Act benefits under stated conditions.

53.1-31 Approve contracts, easements, and leases for removing or mining gas, oil, or minerals found in real estate titled to Board of Corrections.

53.1-81 Authorize sale of state land for regional jail facilities.

53.1-95.9 Approve transfer of real property from state agencies and commissions to jail authorities.

57-5 Enter lease agreement with Sons of Confederate Veterans for the lease of Pelham Chapel.

B. To the Director, Department of General Services:

2.2-121 Approve purchase of passenger vehicles and transfer of surplus motor vehicles among state agencies.

2.2-123 Assign and reassign rooms and space in public buildings at the seat of government.

2.2-503 Assign office space for Attorney General and supporting personnel.

2.2-1115D, E Issue notices to state agencies to desist from violations of centralized purchasing provisions.

2.2-1119 Order, through the Division of Purchases and Supply, the purchase of materials, equipment, supplies, and non-professional services otherwise exempted.

2.2-1138C Approve buildings and property as to their conformance with approved site plan.

2.2-1141 Approve purchase of furniture and repairs, including funding, required for certain buildings within master site plan of Capitol Square.

2.2-1143 Designate buildings for contract of utility services within master site plan of Capitol Square.

2.2-1146 Approve lease of state-owned property in the state site plan or lying near Capitol Square and prescribe rental period.

2.2-1172 Approve use of state-owned property for parking in the Richmond area.

2.2-2401A, 2402 Approve and accept works of art and their location.

2.2-2402 Approve or disapprove, with advice and counsel of the Art and Architectural Review Board, plans to build, renovate, remodel, or remove structures on state property.

2.2-4309 Approve modifications to fixed-price contracts under stated conditions. Revise restrictions, if necessary, on contract modifications.

2.2-4321 Establish written procedures for debarment under Virginia Public Procurement Act.

2.2-4343B Provide written determination of public interest where federal grant transaction requirements do not conform to Virginia Public Procurement Act.

7.1-33 Regulate size and dimensions of state flag.

15.2-2005 Approve location and maintenance of sewerage and surface drainage on or through state property.

18.2-139 Consent to cut down or otherwise destroy trees growing on Capitol grounds.

22.1-133 Answer requests of school boards for a flag of the Commonwealth for each new public school.

23-296.1 Approve transfer of real property-Gunston Hall.

33.1-406, 407 Promulgate rules and regulations for the purchase, use, maintenance, and repair of state-owned vehicles. Perform certain administrative functions.

42.1-86 Prescribe, with State Library Board, place, and manner of preserving security copies of public records.

44-136 Authorize Adjutant General to lease vacant armories under specified conditions.

58.1-212 Provide offices in the city of Richmond for State Tax Commissioner.

C. To the Director, Department of Human Resources Management:

2.2-124 Establish rules to regulate athletic leaves of absence for state employees.

2.2-3322 Establish office hours for executive department agencies at the seat of government.

52-24 Determine amount of compensation for investigators and temporary special police officers.

Part 3: Delegation of Authority to Officials within the Secretariat of Commerce and Trade

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:

Authorizing Subject Matter of
Section Authority Delegated

A. To the Secretary of Commerce and Trade:

3.1-739.1 Accept rules and regulations in state's behalf regarding suppression of specified diseases in domestic

animals. Cooperate accordingly with federal officials.

10.1-1149 Execute Southeastern Interstate Forest Fire Protection Compact.

10.1-1150 Execute Middle Atlantic Interstate Forest Fire Protection Compact.

10.1-1159 Issue proclamations to close hunting and fishing season when extraordinary fire hazards exist.

10.1-1160 Extend hunting season for a number of days not to exceed the number of days the proclamation of dry conditions was in effect.

13.1-985 Approve articles of incorporation for industrial development corporations prior to issuance by State Corporation Commission.

40.1-22.1 Authorize agreements with U. S. Occupational Safety and Health Administration to provide training to employees of Department of Labor and Industry and other state agencies to assist in enforcing Public Law 91-596.

45.1-381 Execute Interstate Compact to Conserve Oil and Gas.

60.2-116 Approve Virginia Employment Commission reciprocal agreements.

62.1-132.14 Approve contracts known as "agreements of local cooperation" between Virginia Port Authority or other designated by the Governor and the U. S. Army Corps of Engineers.

B. To the Director, Department of Mines, Minerals and Energy:

45.1-382 Serve as representative to Interstate Compact to Conserve Oil and Gas.

C. To the Director, Department of Forestry:

10.1-1158 Issue proclamations prohibiting open burning.

Part 4: Delegation of Authority to Officials within the Secretariat of Education

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:

Authorizing Subject Matter of
Section Authority Delegated

A. To the Secretary of Education:

23-38.84 Receive, with Secretary of Finance, annual statement of receipts, disbursements, and investments of the Virginia Higher Education Tuition Trust Fund, from governing board.

23-132.3 Approve plans for information by Virginia Cooperative Extension Service of Virginia Polytechnic Institute and State University and the Cooperative Extension Service Program of Virginia State University.

23-261 Assign additional duties to State Council of Higher Education for Virginia in its capacity as State Commission on Postsecondary Education.

B. To the Superintendent of Public Instruction:

22.1-209.1:3C Receive an annual report from all school boards that have implemented the Advancement Via Individual Determination (AVID) Program.

Part 5: Delegation of Authority to Officials within the Office of Finance

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:

Authorizing Subject Matter of
Section Authority Delegated

A. To the Secretary of Finance:

2.2-816 Approve payment of claims referred by State Comptroller otherwise not allowed due to expiration of time limits.

2.2-1503 Prepare annually, for submission to General Assembly, six-year estimates of revenue collections for the general fund and each major nongeneral fund.

2.2-1801B Receive notice of absence of State Treasurer and State Comptroller when absence exceeds five days.

2.2-1839 Approve insurance plans administered for political subdivisions, constitutional officers, and other specified entities.

2.2-1840 Approve blanket surety bonding plan for state employees.

10.1-1197.3 Authorize increase in cost of administering Transportation Safety Fund to over \$65,000 per year.

10.1-1429.5 Approve disbursements from Voluntary Remediation Fund.

15.2-2659 Investigate defaults of bonds of any locality and instruct Comptroller to withhold payment.

23-30.01 Approve borrowing by an educational institution upon its endowment and other investments.

23-30.02 Approve an educational institution's borrowing of funds to purchase real estate under certain conditions.

23-30.27:1C Request detail from higher education institutions on specific equipment to be acquired through Virginia College Building Authority. Approve emergency acquisition and leases under stated conditions.

23-38.10:7A Approve at the request of the board and president of a higher education institution, borrowing money under certain conditions to provide additional student loan funds.

23-38.84 Receive, with Secretary of Education, annual statement of receipts, disbursements, and investments of the Virginia College Savings Plan from governing board.

30-137A Approve, with Auditor of Public Accounts, uniform bookkeeping methods for localities.

36-55.41 Include in budget reported to presiding officer of each house of the General Assembly, a sum that may be required to restore capital reserve fund of Housing Development Authority.

58.1-2 Enter into reciprocal agreements with other states for collection of taxes.

62.1-215B Include in budget reported to General Assembly a sum required to restore Virginia Resources Authority

capital reserve funds.

B. To the Director, Department of Planning and Budget:

2.2-1139 Approve transfer of funds to Department of General Services from appropriations to other agencies for construction, alteration, reconstruction, and repair of buildings, or acquisition of land for their use.

2.2-1512 Adopt budget classifications.

2.2-1819 Approve quarterly estimates of planned expenditures prior to release of appropriation.

3.1-22.20 Allocate monies to Farmers Major Disaster Fund.

3.1-188.27B Approve funds for cooperative pest control efforts in adjacent states.

4.1-116B Approve amount of quarterly sums allowed for reserve fund of Department of Alcoholic Beverage Control.

10. 1-709B Approve allocations from Special Emergency Assistance Fund in time of disaster under provisions of Public Beach Conservation and Development Act, after consultation with Secretary of Natural Resources.

23-9.9 Receive biennial budget requests from higher education institutions and budget recommendations from State Council of Higher Education for Virginia.

23-9.9 Receive higher education institutions' proposals for capital projects to be financed by bonds of the institution of higher education for inclusion in the budget. Approve conditions of grants from federal government for capital projects. In developing recommendations for the Governor as to which capital projects proposed to be financed by bonds should be approved, DPB shall consult with Department of General Services and State Council of Higher Education for Virginia.

23-100.1 Approve, at request of Virginia Military Institute or its Board, acceptance of gifts, grants, devises, and bequests.

23-218C Approve acceptance of grants or contributions of money or property by State Board for Community Colleges.

28.2-1101 Approve solicitation, acceptance, and use of public or private funds by Virginia Institute of Marine Science.

33.1-285.1B Include in budget reported to presiding officer of each house of the General Assembly, a sum that may be required to restore the Commonwealth of Virginia transportation funds.

37.1-42.1 Approve Commissioner's acceptance, on behalf of Department of Mental Health, Mental Retardation, and Substance Abuse Services, of donations, gifts, and bequests; and acceptance, execution, and administration of any trust in which the Department may have an interest.

42.1-57 Approve Library Board's acceptance of federal grants for libraries and allocation of such funds.

44-146.28 Expend and allot sufficient funds to carry out disaster service missions and responsibilities.

45.1-161.321 Authorize transfer of funds to Virginia Fuel Commission from state treasury.

51.1-145K Include in biennial appropriation bill, contributions from state treasury to the retirement allowance

account.

53.1-10 Approve acceptance of gifts, donations, and bequests on behalf of Department of Corrections.

53.1-82.2A(2) Approve agreements between the Treasury Board and localities or regional authorities concerning reimbursement of jail projects.

60.2-311 Include in budget reported to General Assembly, a sum required to make replacements to the Unemployment Compensation Administration Fund.

60.2-506 Designate method of financing unemployment benefits for state employees.

63.1-36 Approve receipt of grants-in-aid funds and gifts by the Commissioner of the Department of Social Services to alleviate, treat, or prevent poverty, delinquency, or other social problems.

C. To the State Comptroller:

3.1-62 Examine records, books, and accounts of produce market authorities.

D. To the State Treasurer:

2.2-1806 Invest funds deposited in state treasury in excess of amount currently needed.

2.2-2809 Designate certain officers to give surety bonds, fix penalties, or require new or additional bonds.

3.1-22.8D Fix penalty for surety bonds required to be posted by certain officials of Chippokes Plantation Farm Foundation.

3.1-22.18 Approve farm disaster loans and increase or decrease maximum amount of loans.

3.1-69 Authorize loans from Produce Market Loan Fund. Prescribe manner in which principal and interest shall be secured.

4.1-102D Fix Penalty and approve surety bonds for Alcoholic Beverage Control Board members.

5.1-1.3 Fix surety bond penalty for Director, Department of Aviation.

10.1-2006 Fix surety bond penalty for members of the Board of Trustees of the Virginia Museum of Natural History.

10.1-2401D Fix surety bond penalty for members of the Board of Trustees of the Virginia Historic Preservation Foundation.

15.2-2659 Investigate alleged defaults on local general obligation bonds. Withhold payment of state funds to local government in default and order payment to bond holders by State Comptroller. Give notice (as soon as practicable) of such defaults and of the availability of funds with the paying agent or the State Comptroller by a one-time publication in a daily paper of general circulation in the city of Richmond or by registered mail to the owners of registered bonds.

21-163 Fix surety bond penalties for members of sanitation district commissions and approve surety or guaranty company for such bonding.

21-200, 280 Accept filing of instrument(s) from bondholders in cases of default on sanitation district commission bonds for tidal and/or nontidal waters in order to have trustee appointed to represent bondholders.

22.1-168 Receive petition from Virginia Public School Authority or trustee to secure payment of sums necessary to cover default on bonds held by Authority or trustee.

23-19(h) Approve educational institutions' deposit of securities as collateral for federal loans for capital projects.

23-20(b) Receive bondholder certification of default on bonds issued by educational institutions.

23-30.29:3 Investigate alleged defaults on payment of bonds or interest by institutions to the Virginia College Building Authority.

23-247 Fix penalty on corporate surety bonds for Board of Trustees, Science Museum of Virginia.

30-131 Fix surety bond penalty for Auditor of Public Accounts. Determine Auditor's employees who should be bonded and approve their penalties as fixed by the Auditor.

33.1-9 Fix surety bond penalty for Commonwealth Transportation Board.

36-111 Fix surety bond penalty for State Building Code Technical Review Board.

37.1-44 Fix surety bond penalty for Commissioner of Mental Health, Mental Retardation, and Substance Abuse Services.

42.1-16 Approve surety bond of State Librarian.

44-21 Approve surety bonds of Adjutant General and fiscal clerks in Department of Military Affairs.

46.2-202 Fix surety bond penalty for Commissioner, Department of Motor Vehicles.

52-3 Fix surety bond penalty for Superintendent of State Police.

53.1-11 Fix corporate surety bond penalty for Director, Department of Corrections.

54.1-305 Fix surety bond penalty for Director, Department of Professional and Occupational Regulation.

58.1-201 Fix surety bond penalty for State Tax Commissioner.

60.2-109 Fix penalty for surety bond for Commissioner, Virginia Employment Commission.

62.1-209B(11) Accept petition from Virginia Resources Authority or trustees regarding default on local obligations owned by Authority or held by trustees.

63.1-6 Fix surety bond penalty for Commissioner of Social Services.

63.1-19 Fix surety bond penalty for Board of Social Services.

Part 6: Delegation of Authority to Officials within the Secretariat of Health and Human Resources

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:

Authorizing Subject Matter of
Section Authority Delegated

A. To the Secretary of Health and Human Resources:

2.2-2503C Request Advisory Commission on Mandated Health Insurance Benefits to meet.

2.2-5408 Submit state plan for community action agencies to U.S. Secretary of Health and Human Services.

15.2-964 Receive reorganization plans from cities and counties for local human resources agencies under stated conditions. Issue guidelines for such plans. Direct state boards and commissions to modify rules, regulations, and guidelines accordingly. Prepare submissions to General Assembly for Governor. Issue guidelines for maintaining records.

28.2-803A Request State Health Commissioner to examine or analyze fish or shellfish.

32.1-21 Approve Board of Health action that authorizes State Health Commissioner to hold teaching position.

32.1-325 Approve state plan and amendments to the plan for medical assistance services submitted to federal government.

37.1-28 Authorize Commissioner of Mental Health, Mental Retardation, and Substance Abuse Services to receive and expend Social Security payments and retirement benefits on behalf of patients at institutions under Commissioner's control.

51.5-2 Designate agencies that serve the disabled to formulate cooperative plan in accordance with state law and federal Rehabilitation Act.

63.1-24 Request Board of Social Services to investigate questions and consider problems and report their findings and conclusions.

63.1-28.1 Authorize investigation of the management of any institution licensed or required to be inspected by the State Board of Social Services

63.1-36 Approve receipt of grants-in-aid, fund and gives made for the purpose of alleviating, treating or preventing poverty, delinquency or other social problems

63.1-219.2 Develop, negotiate, and enter into interstate compacts on and 238.7 behalf of the Commonwealth with other states for the protection of adopted children receiving assistance from the Department of Social Services.

63.1-293 Change rules of any state agency to assure proper functioning of pilot program for delivery of human services. Request variances or exceptions to federal rules governing administration or use of funds for human services programs.

63.1-298 Approve cost of administering pilot programs for delivery of human services (costs to be determined by appropriate state agencies and cities and counties where pilot programs are located).

B. To the Commissioner, Department of Social Services:

63.1-44 Approve establishment of welfare districts consisting of two or more cities and/or counties.

63.1-56.1 Approve establishment of facilities for children (or contracts for services) by local boards of welfare.

63.1-292 Authorize up to five counties or cities to develop and implement pilot programs for delivery of human services.

63.1-294 Promulgate rules and regulations for counties and cities desiring to establish pilot programs for human services delivery.

C. To the Commissioner, Department of Health:

32.1-283.1 Receive annual report from the State Child Fatality Review Team.

Part 7; Delegation Authority to Officials within the Secretariat of Natural Resources

The persons hold appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:

Authorizing Subject Matter of
Section Authority Delegated

A. To the Secretary of Natural Resources:

10.1-213E Approve amendments to the instruments of dedication of natural area preserves under stated conditions.

10.1-505 Approve or disapprove work plans and soil and water conservation programs embodied in federal laws which, by their terms or by related executive orders, require approval.

10.1-1402 Approve acquisition by Virginia Waste Management Board of lands to be used for hazardous waste management sites.

10.1-1430 Enter into agreements with federal government providing for discontinuance of the federal government's responsibilities regarding low-level radioactive waste.

10.1-1431A Authorize Virginia Waste Management Board to enter into agreements with federal government to cooperatively handle low-level radioactive waste.

10.1-1432 Approve acquisition by Virginia Waste Management Board of lands to be used for low-level radioactive waste facility sites.

10.1-1434 Approve request of Virginia Waste Management Board for resources and services of other state agencies in performance of Board's duties for hazardous waste facility sites.

10.1-1702 Determine state board, commission, office, or officer through which "public bodies" may exercise powers under Open Space Land Act.

28.2-621 Approve, at request of Marine Resources Commissioner, lease of public oyster-planting grounds that may be required for dredging operations or spoils disposal areas in connection with federal navigation improvement projects.

28.2-1208A Approve, with Attorney General, certain easements and leases of beds of state waters recommended by Marine Resources Commission.

41.1-3 Control oyster bed, rock, or shoal at Old Magazine at Westhampton and adjacent state lands. Issue regulations for use of this land in interest of state.

B. To the Director, Department of Environmental Quality:

10.1-1411 Designate regional boundaries for solid waste management.

21-179 Receive reports of sanitation district commissions.

Part 8: Delegation of Authority to Officials within the Secretariat of Public Safety

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:

Authorizing Subject Matter of
Section Authority Delegated

A. To the Secretary of Public Safety:

2.2-117 Establish and administer, with advice of the Virginia Economic Development Partnership, an anti-crime partnership program

15.2-3307 Receive, with the Secretary of Transportation, notification from cities barred from annexation that elect to be treated as immune counties for purposes of State Police services and highway maintenance and construction or notification of termination of such status.

16.1-309.5 Approve, for purposes of eligibility for construction, reimbursement plans, including personnel needs, for construction of detention homes, group homes, or other residential care facilities for children in need of services or for delinquent or alleged delinquent youth.

44-158 Promulgate necessary rules and regulations to mobilize fire fighters to assist other political subdivisions during time a state of war exists between the United States and any foreign country.

44-204 Approve training for Virginia State Defense Force or National Defense Executive Reserve, not to exceed fifteen workdays per federal fiscal year.

46.2-1157 Issue order requiring inspection of motor vehicles, trailers, and semitrailers by the Superintendent of State Police.

53.1-45 Approve alternatives for sale of articles produced or manufactured and services provided, other than on the open market, and in best interest of state, by Director, Department of Corrections.

53.1-80 Approve construction of local jails to qualify for reimbursement.

53.1-81 Approve construction of regional jails to qualify for reimbursement.

53.1-82 Approve enlargement or renovation of regional jails to qualify for reimbursement.

53.1-191 Approve credits towards terms of prisoners for injury or extraordinary services.

66-2 Provide direction to the Director of the Department of Juvenile Justice in the supervision of the agency.

B. To the Director, Department of Corrections:

53.1-45.1 Approve agreements with public or private entities to operate work programs in state correctional facilities.

C. To the Director, Department of Criminal Justice Services:

15.2-1715 Approve the release of funds from Intensified Drug

Enforcement Jurisdictions Fund to localities.

D. To the Coordinator, Department of Emergency Management:

44-146.27 Approve acceptance of services, supplies, materials, equipment, or funds from federal government or private sector to the state or through the state to any political subdivision, for emergency services purposes.

E. To the Adjutant General, Department of Military Affairs:

44-43 Convene general courts-martial of the National Guard.

44-75.1 Authority to call forth militia for certain small scale, emergency-related operations as may be specified in a separate executive order.

44-112 Make requisition of Secretary of Defense for federal funds to support the militia.

44-116 Have printed and distributed copies of military laws of Virginia and the Uniform Code of Military Justice of the United States, as deemed necessary.

F. To the Superintendent, Department of State Police:

52-9.1 Approve uniform and insignia design to be adopted by Superintendent of State Police for use of State Police Officers.

52-16 Establish and maintain radio and teletype system to aid local law enforcement personnel and Department of State Police.

52-17 Negotiate with localities for sharing cost of communications system.

52-18 Designate districts for communications system.

52-19 Issue rules and regulations for communications system.

G. To the Director, Department of Juvenile Justice:

66-3(3) Approve agreements with public or private entities to operate work program for children committed to the Department of Juvenile Justice.

Part 9: Delegation of Authority to Officials Within the Secretariat of Technology

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:

Authorizing Subject Matter of
Section Authority Delegated

A. To the Director, Department of Information Technology:

42.1-32.6 Approve Library Board's plan for communications centers and networking services.

Part 10: Delegation of Authority to Officials Within the Secretariat of Transportation

The persons holding appointments to the positions named herein shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:

Authorizing Subject Matter of
Section Authority Delegated

A. To the Secretary of Transportation:

15.2-3307 Receive, with the Secretary of Public Safety, notification from cities barred from annexation that elect to be treated as immune counties for purposes of State Police services and highway maintenance and construction or notification of termination of such status.

33.1-42 Approve incorporation or elimination of roads or streets into state highway system.

33.1-299 Approve turnpike projects proposed by Commonwealth Transportation Board.

33.1-340 Receive reports of refusal of highway contractors' associations to permit examination of papers, records, and accounts. Certify such information to the Commonwealth Transportation Commissioner. Certify to Commonwealth Transportation Board that full examination has been made prior to further letting of any contracts with association members.

46.2-383 Approve destroying of conviction, forfeiture, assignment, acceptance, or judgment records under certain conditions by Commissioner of Motor Vehicles.

46.2-703 Enter into reciprocal agreements, with advice of Reciprocity Board, with other states for assessing and collecting motor vehicle license fees.

46.2-750 Approve use of state-owned vehicles without regular official state-use-only license plates by Department of Economic Development.

46.2-751 Direct Commissioner of Motor Vehicles to issue license plates for state-owned, passenger-type vehicles.

46.2-1127 Approve increases in axle and gross weight limits on Federal Interstate Highway System on recommendation of Department of Motor Vehicles.

59.1-162 Direct cooperation of Commonwealth Transportation Board and Department of Motor Vehicles with Commissioner of Agriculture and Consumer Services in carrying out provisions for testing and inspecting gasoline and lubricating oils.

62.1-132.14 Approve contracts known as "agreements of local cooperation" between the Virginia Port Authority, or other agencies assigned by me, and the U.S. Army Corps of Engineers.

B. To the Commissioner, Department of Motor Vehicles:

2.2-119 Administer highway safety program.

46.2-661 Extend, at his discretion, reciprocal privileges to vehicle owners residing in other states or in foreign countries.

Part 11: Delegation of Authority to the Secretary of the Commonwealth

A. The Secretary of the Commonwealth shall coordinate and advise the Governor concerning recommendations for executive appointments.

B. The Secretary of the Commonwealth shall have authority to take those actions or to sign, in my stead, those documents referenced herein by subject matter in the cited Code of Virginia sections:

Authorizing Subject Matter of
Section Authority Delegated

2.2-3114 Prepare annually a list of officials and positions coming under Virginia Comprehensive Conflict of Interests Act. Notify officials of need to comply with the Act.

3.1-636.8 Proclaim results of referendum on levy of excise tax on apples grown in Virginia.

54.1-2012 Notify specified organizations of vacancies, caused by other than expiration of a term, on Real Estate Appraiser Board.

Part 12: Delegation Of Authority to the Chief of Staff

A. The duties and powers conferred upon the Chief of Staff by Executive Order Number Three (98) are affirmed and incorporated herein by reference.

B. The Chief of Staff shall have authority to take those actions or to sign, in my stead, the documents referenced herein by subject matter in the cited Code of Virginia sections:

Authorizing Subject Matter of
Section Authority Delegated

2.2-202 Supplement expense funds of Secretaries from funds appropriated to the Governor's office.

55-184.1 Order and set terms of sale for escheated land. Deliver order to State Treasurer, to be transmitted to the escheator, who shall proceed to sell according to such order.

55-186.2 Sign and seal the grant, received from the State Treasurer, conveying escheated property from the Commonwealth to the escheat purchaser and deliver the grant to the State Librarian.

Part 13: Designation of Officials to Serve as Governor's Cabinet

In addition to the Governor's Secretaries as defined in Title 2.2 of the Code of Virginia, the following positions shall be deemed of cabinet rank: Chief of Staff; Secretary of the Commonwealth; Counselor to the Governor.

The Director of the Virginia Liaison Office and the Director of the Department of Planning and Budget shall regularly attend Cabinet meetings, together with such other officials and employees as the Governor or Chief of Staff may direct.

This Executive Order rescinds Executive Order Number Thirty-one (94), issued by Governor George Allen on October 25, 1994, Executive Order Number Fifty-Nine (95), issued by Governor George Allen on December 15, 1995, and Executive Order Seventy-Nine (97), issued by Governor George Allen on September 26, 1997.

This Executive Order shall be effective upon its signing, and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 21st day of December, 2001.

James S. Gilmore, III, Governor

Attest:

Secretary of the Commonwealth

James S. Gilmore, III, Governor
Attest: Secretary of the Commonwealth